

## STAFF REPORT

HEARING DATE: September 4, 2013

TO: Planning Commission

STAFF: Jana Fox, Associate Planner

PROPOSAL: **Russian Ballet Academy  
(CU2013-0005)**

LOCATION: 1800 NW 167<sup>th</sup> Place, Suite 125  
Tax Map: 1N131AA Lot: 400

SUMMARY: The applicant, Russian Ballet Academy, proposes to operate a commercial school teaching ballet to children and adults at 1800 NW 167<sup>th</sup> Place, Suite 125. Commercial Schools are a conditional use in the Office Industrial zoning district. No physical improvements are proposed in conjunction with this application.

PROPERTY OWNER: St. Laurent Properties  
Attn: Mark Shortridge  
120 NE 136<sup>th</sup> Ave, Suite 200  
Vancouver, WA 98684

APPLICANT: Russian Ballet Academy, LLC  
Attn: Cynthia Sultanov  
1800 NW 167<sup>th</sup> Place, Suite 125  
Beaverton, OR 97006

APPLICANTS  
REPRESENTATIVE: Toni King & Associates  
Attn: Peter Kim  
330 SE MLK Blvd, Suite 350  
Portland, OR 97214

DECISION CRITERIA: Development Code Sections 40.03 *Facilities Review*,  
40.15.15.3.C *Conditional Use*

RECOMMENDATION: **Approval of CU2013-0005 (Russian Ballet Academy  
Conditional Use)**, subject to conditions identified at the end of  
this report.

## BACKGROUND FACTS

### Key Application Dates

Application	Submittal Date	Submittal Complete	Final Written Decision Date	240-Day*
CU2013-0005	June 26, 2013	July 16, 2013	November 13, 2013	March 13, 2014

\* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

### Existing Conditions Table

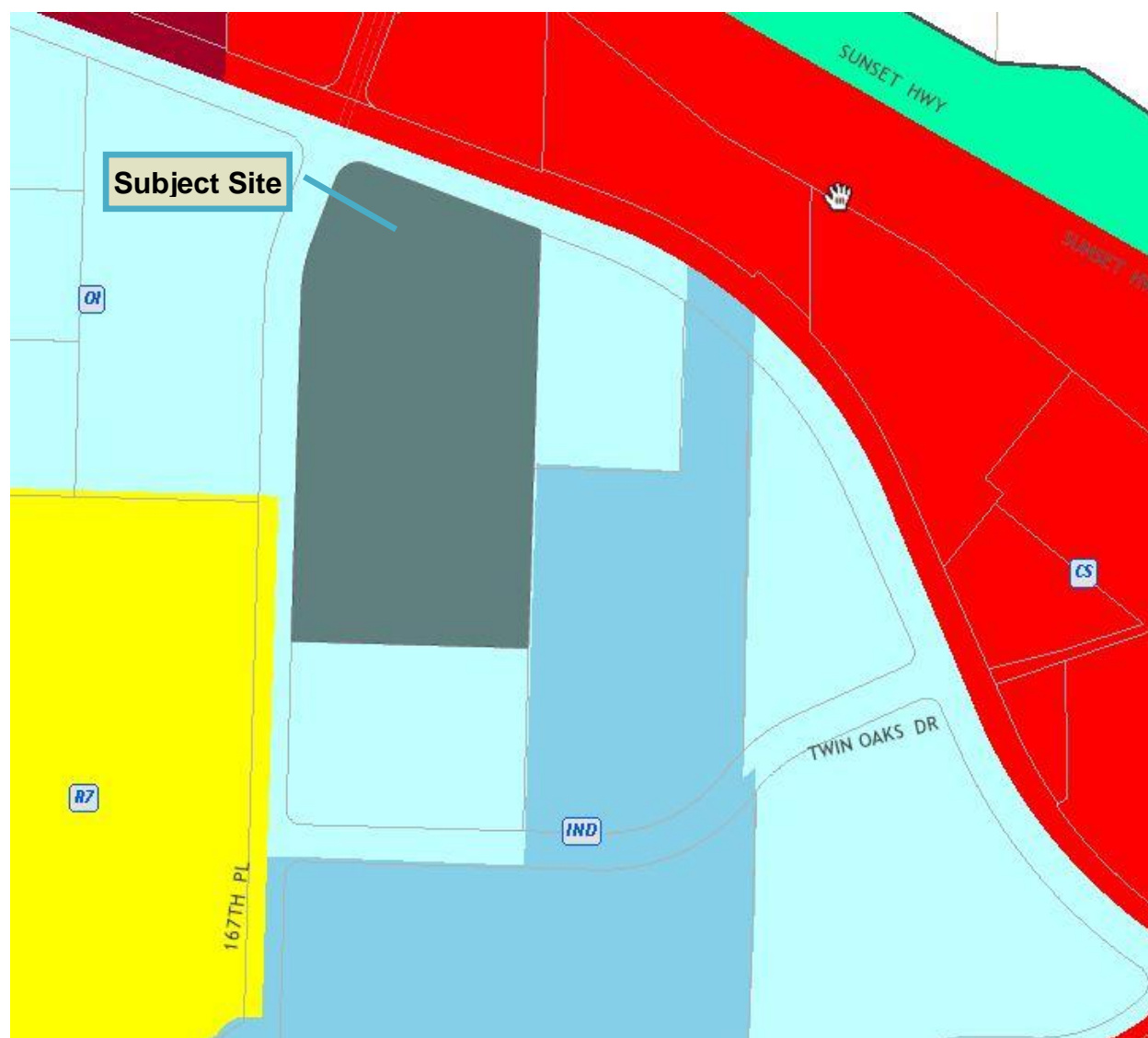
<b>Zoning</b>	Office Industrial (OI)	
<b>Current Development</b>	Approximately 76,000 square foot development consisting of three building and associated parking and landscaping. The applicant proposes to occupy 3,036 square feet of floor area.	
<b>Site Size</b>	Approximately 6.59 Acres, the school proposes to occupy 3,036 square feet of the northern building.	
<b>NAC</b>	Five Oaks/Triple Creek NAC	
<b>Land Use</b>	Employment Area (EMP)	
<b>Surrounding Uses</b>	<b>Zoning:</b> North: Community Service (CS)  South: Office Industrial (OI)  East: Office Industrial (OI)  West: Office Industrial (OI) & Urban Standard Density (R7)	<b>Uses:</b> North: Medical Offices  South: Church Facility  East: Storage Yard & PGE Substation  West: Offices and School

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS	PAGE
<b>Attachment A: Facilities Review Committee Technical Review and Recommendation Report and Code Conformance Analysis</b>	FR1-FR6
<b>Attachment B: CU2013-0005 (Russian Ballet Academy Conditional Use)</b> The applicant proposes to operate a commercial school in the Office Industrial (OI) Zone.	CU1-CU3
<b>Attachment D: Conditions of Approval</b>	COA1

## EXHIBITS

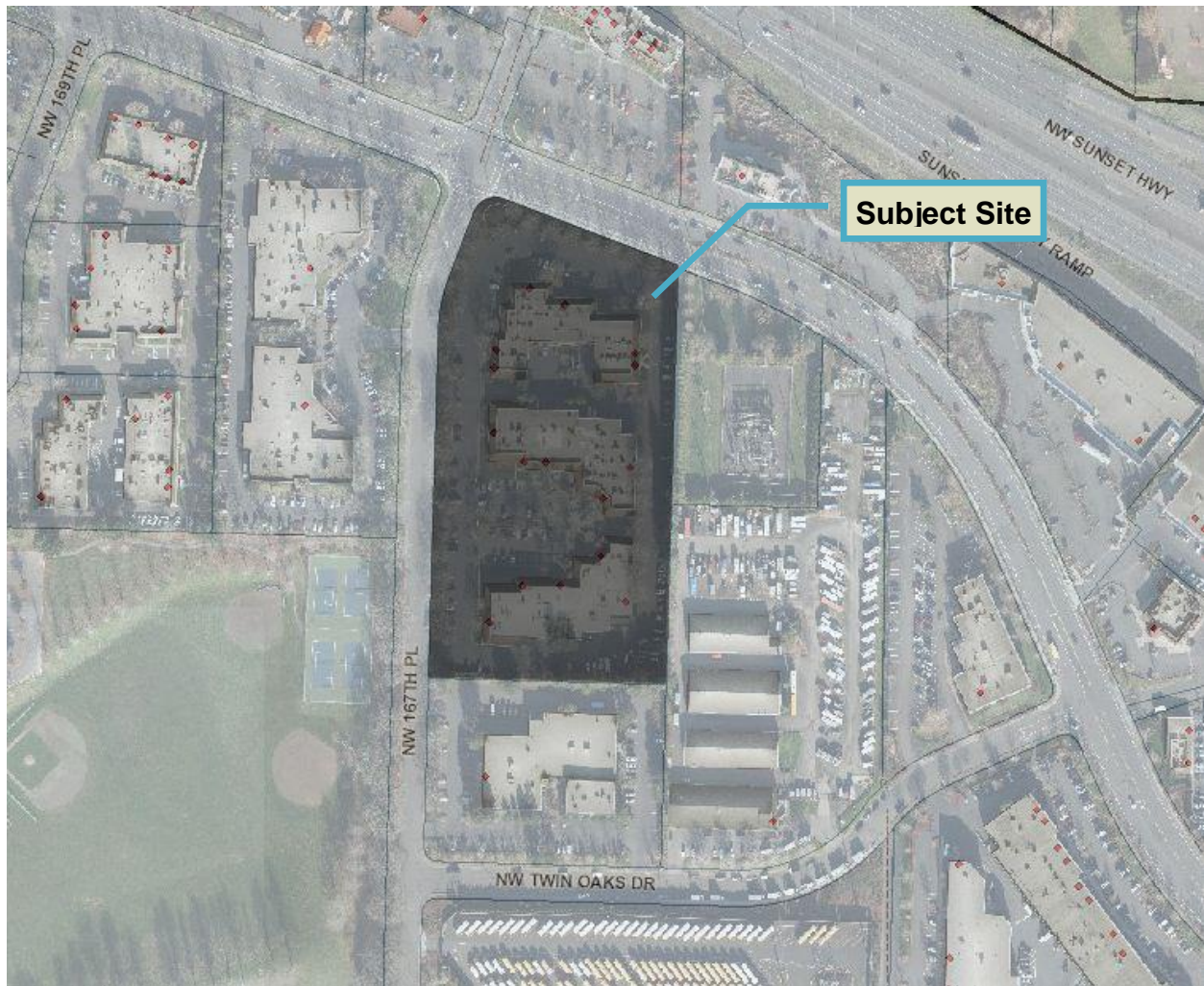
- Exhibit 1. Zoning Map** (page SR-4) and **Aerial Photo** (page SR-5)
- Exhibit 2. Materials Submitted by Applicant**
- Exhibit 3. Comments Received**  
No Comments Received

ZONING MAP



Russian Ballet Academy Conditional Use  
CU2013-0005

## AERIAL PHOTO



**Russian Ballet Academy Conditional Use  
CU2013-0005**

**FACILITIES REVIEW COMMITTEE  
TECHNICAL REVIEW AND RECOMMENDATIONS  
Russian Ballet Academy Conditional Use  
CU2013-0005**

**Section 40.03 Facilities Review Committee:**

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in a different order. The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

**The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted application as identified below:**

- A. All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.***

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation and fire protection. The site is an existing development and no external physical changes are proposed and only minor interior changes to the site are proposed; therefore, the existing critical facilities will continue to serve the site.

**Therefore, the Committee finds the proposal meets the criterion for approval.**

- B. Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five (5) years of occupancy.***

Chapter 90 of the Development Code defines "essential facilities" to be services that include schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities in the public right-of-way. The Police Department received a copy of the submittal but had no comments or recommendations to the Facilities Review Committee. The Police Department serves the site and responds to calls for service 24-hours a day. The project is proposed within the Beaverton School District; however it does not involve residential uses and therefore will not affect BSD.

The area is served by Tri-Met public transportation. The nearest transit stops are located at the intersection of NW Cornell Road and NW 167<sup>th</sup> Place and are served by the 89 bus route with service to the Sunset Transit Center.

Essential street facilities have been improved and are currently available. Bicycle lanes are available in the vicinity along NW Cornell Road. Public sidewalks are available to the west of the subject site along NW 167<sup>th</sup> Place. The Transportation Division has reviewed this proposal and finds that no traffic mitigation is necessary for Conditional Use approval for a commercial school use on the subject site.

This proposal does not include any physical improvements of the site. The Committee has reviewed the proposal and has found that the essential facilities and services to serve the site are adequate to accommodate the proposal as conditioned.

**Therefore, the Committee finds the proposal meets the criterion for approval.**

- C. *The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses).***

Staff cites the findings in the Code Conformance Analysis chart at the end of the report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Office Industrial (OI), as applicable to the above mentioned criteria. This proposal does not include any physical improvements of the site.

**Therefore, the Committee finds the proposal meets the criterion for approval.**

- D. *The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Requirements), are provided or can be provided in rough proportion to the identified impact(s) of the proposed development.***

Staff cites the findings in the Code Conformance Analysis chart at the end of the report, which evaluates the project as it relates the applicable Code requirements of Chapter 60 for the site. This proposal does not include any physical improvements.

**Therefore, the Committee finds the proposal meets the criterion for approval.**

- E. *Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover,***

***garbage and recycling storage areas, and other facilities not subject to maintenance by the City or other public agency.***

The applicant states that all of the private facilities and areas associated with the proposed school will be maintained as required. The proposal as represented does not present any barriers, constraints, or design elements that would prevent or preclude the required maintenance of the private infrastructure and facilities on the site.

**Therefore, the Committee finds the proposal meets the criterion for approval.**

***F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.***

The existing site has safe and efficient circulations patterns and facilities, including connections to the adjacent sidewalk system. No exterior changes are proposed.

**Therefore, the Committee finds the proposal meets the criterion for approval.**

***G. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.***

The existing driveways and sidewalks provide adequate connection to the surrounding circulation system. No exterior changes are proposed.

**Therefore, the Committee finds the proposal meets the criterion for approval.**

***H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.***

The Committee provided Tualatin Valley Fire and Rescue (TVF&R) with an opportunity to comment on the project proposal as submitted; the District has not provided any comments on the application.

The proposed interior modifications to the existing building will be reviewed for compliance with applicable building and fire codes.

No changes to the existing exterior structures and facilities are proposed.

**Therefore, the Committee finds the proposal meets the criterion for approval.**

***I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.***



The site is an existing development and no physical changes to the site are proposed. Therefore, there will be no impact to any of the critical facilities and services that serve the site. Any future changes to the building or site must comply with the all applicable adopted Codes and standards.

**Therefore, the Committee finds the proposal meets the criterion for approval.**

***J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.***

The request for a Conditional Use permit for a new commercial school does not include any exterior physical improvements on the site. Therefore, this criterion is not applicable

**Therefore, the Committee finds the criterion is not applicable.**

***K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.***

The site has accessible parking and access to routes which meet current standards. No exterior changes are proposed. The interior changes for the new school have been designed to comply with current ADA standards.

**Therefore, the Committee finds the proposal meets the criterion for approval.**

***L. The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code.***

The applicant submitted the application on June 26, 2013 and was deemed complete on July 16 2013. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

**Therefore, the Committee finds the proposal meets the criterion for approval.**

#### **RECOMMENDATION:**

#### **Beaverton Auto Body Conditional Use CU2013-0005**

The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority, in APPROVING the proposal subject to the condition of approval.

**Code Conformance Analysis**  
**Chapter 20 Use and Site Development Requirements**  
**Office Industrial (OI) Zoning District**

<b>CODE STANDARD</b>	<b>CODE REQUIREMENT</b>	<b>PROJECT PROPOSAL</b>	<b>MEETS CODE?</b>
<b>Development Code Sections 20.15.20</b>			
Conditional Uses	Commercial School	Applicant proposes a new ballet academy.	<b>Yes, if approved</b>
<b>Development Code Section 20.15.15</b>			
Minimum Lot Area	None	6.59 acres	<b>Yes</b>
Minimum Lot Dimensions	Width: None Depth: None	Not applicable, no new lots proposed	<b>N/A</b>
Yard Setbacks Minimums: Front Side Rear	35 feet 10 feet None	Not applicable, no physical improvements proposed	<b>N/A</b>
Maximum Building Height	80 feet	Not applicable, no physical improvements proposed	<b>N/A</b>

## Chapter 60 – Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
<b>Development Code Section 60. 05</b>			
<b>Off-Street Loading</b>			
Required Loading Spaces	No loading spaces required for schools of this size.	Not part of proposal	N/A
<b>Development Code Section 60.30</b>			
<b>Off-Street Parking</b>			
Minimum Off-Street Vehicular Parking Spaces	Commercial Schools: 0.2 spaces per FTE students and staff	The schools has 9 of the existing parking spaces for the development dedicated in the lease agreement, which will serve the 25 FTE students and 6 FTE staff	Yes
Minimum Off-Street Bicycle Parking	0 short term spaces 4 long term spaces	The applicant will provide 4 long term spaces within the building for bicycles, which staff find to be adequate, counting the school as one classroom based on the number of students per room.	Yes
<b>Development Code Section 60.55</b>			
<b>Transportation</b>			
Traffic Management Plan	Required if adding 20+ trips/hour to residential street.	The expected number of staff students and parents will not meet the minimum threshold.	N/A
Traffic Impact Analysis	Required if adding 200+ new vehicles per day in overage weekday trips, net.	The expected number of staff students and parents will not meet the minimum threshold.	N/A

### RECOMMENDATION AND CONDITIONS OF APPROVAL BY THE FACILITIES REVIEW COMMITTEE:

#### **CU2013-0005 (Russian Ballet Academy Conditional Use)**

**The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority in APPROVING the proposal, adopt the following conditions of approval:**

[The Conditions of Approval recommended by the Facilities Review Committee have been incorporated into the Conditions of Approval found in Attachment C of this Staff Report.]

**CU2011-0001  
ANALYSIS AND FINDINGS FOR  
CONDITIONAL USE APPROVAL**

**Section 40.15.15.3.C. Approval Criteria:**

*In order to approve a New Conditional Use application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:*

- 1. *The proposal satisfies the threshold requirements for a Conditional Use application.***

**Facts and Findings:**

Development Code, Section 40.15.15.3.A, Threshold #1 states:

*The proposed use is conditionally permitted in the underlying zoning district and a prior conditional use approval for the proposed use is not already in effect.*

The applicant proposes to operate a commercial school at 1800 NW 167<sup>th</sup> Place, Suite 125, in the Office Industrial (OI) zone. A ballet academy meets the definition of 'Commercial School' which is a conditional use in the OI zone. The building currently exists on site, and there are no physical improvements associated with this Conditional Use Application. Therefore the proposal meets Threshold #1.

**Therefore, staff finds that the criterion is met.**

- 2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

**Facts and Findings:**

The applicant paid the required fees for a Conditional Use application on June 26, 2013.

**Therefore, staff finds that the criterion is met.**

- 3. *The proposal will comply with the applicable policies of the Comprehensive Plan.***

**Facts and Findings:**

The applicant proposes a commercial school which would occupy approximately 3,200 square feet of space in a large multi-tenant office industrial complex. At the time of pre-application conference staff identified that no Comprehensive Plan criteria were applicable to the proposed conditional use.

**Therefore, staff finds that the criterion is not applicable.**

**4. *The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.***

Facts and Findings:

The proposed school would occupy 3,036 square feet of an existing building, one of three buildings on the 6.59 acre site. According to the applicant, 9 of the existing parking spaces are reserved for the use of the school, as stipulated in the lease agreement. The entire site has 319 parking spaces. No changes to the exterior of the building are proposed. The property is fully developed and there are no natural features on site.

The applicant states that a parent or guardian will bring each student, or group of students, to the site for their scheduled lesson. Those parents will pull their vehicles into a parking space for the students to exit the vehicle and enter the school. There will be no drop off/pick up zone for the site as the number of students is limited to a maximum of 25 students in both studios combined at any given time which can be accommodated in the parking spaces for the development. Most classes take place in the evening and on weekends which are generally times of less parking demand for the more traditional offices uses in the complex.

Staff concludes that the conditional use proposal for a Commercial School, which does not propose to make any physical changes to the subject site, does not impact the site, or the way the site is designed, based upon the site's size, dimensions, configuration or topography, the site is adequate to accommodate the proposal.

**Therefore, staff finds that the criterion is met.**

**5. *The location, size, and functional characteristics of the proposal are such that it can be made reasonably compatible with and have a minimal impact on livability and appropriate development of properties in the surrounding area of the subject site.***

Facts and Findings:

The proposed Commercial School use is a conditional use in the Office Industrial zoning district per Development Code Section 20.15.20.19.A. The proposed school is within an existing commercial development with an outpatient treatment center, a real estate brokerage, and a commercial music school as co-tenants within the building. There is no residential property within 500 feet of the proposed school.

According to the applicant's plan, the school will have two studio's, restrooms, and offices for the owner. In total, the school will occupy 3,036 square feet of the existing building. In the lease, 9 parking spaces are assigned to the school.

The applicant states that a maximum of 25 students will be receiving lessons at any given time. The site size will accommodate the expected number of users. The parking assigned to the school is adequate for everyday traffic. The applicants states that internal noise will be limited by providing sound baffling between the studios and the adjacent tenant spaces.

Staff finds that due to the location of the school within the existing development, nearby uses, and the functional characteristics of the school, any impacts on the livability of the surrounding properties will be minimal.

**Therefore, staff finds that the criterion is met.**

- 6. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

Facts and Findings:

The applicant has submitted the required application materials for review of a Conditional Use application. This review process is a required step to receive City approval for the development's proposal.

**Therefore, staff find that the criterion is met.**

**RECOMMENDATION**

Based on the facts and findings presented, staff recommends **APPROVAL** of **CU2013-0005 (Russian Ballet Academy Conditional Use)** subject to the conditions of approval identified in Attachment C.

**CONDITIONS OF APPROVAL  
RECOMMENDATION AND CONDITIONS OF APPROVAL  
BY THE FACILITIES REVIEW COMMITTEE:**

**CU2013-0005 Conditional Use Application:**

**The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority in APPROVING the proposal, adopt the following conditions of approval:**

1. The Conditional Use permit shall run with the land and shall continue to be valid upon a change of ownership of the site or structure unless otherwise specified in conditions attached to the permit. (Planning/JF)